

THE CRIMINAL CALENDAR.

Charles Thiede, the Alleged Wife Murderer, Pleads Not Guilty.

E. E. RITCHIE ARRAIGNED.

CARTER, CHARGED WITH STEALING BULLION, SAYS NOT GUILTY.

Adulterers and Fornicators Sent to the Penitentiary—A Long List of Arraignments—J. G. Wallace Found Guilty of Passing a Fictitious Check—Hearing on the Prohibition vs. O'Malley Injunction Again Postponed—Other Court Matters.

Judge Barlow resumed work on the criminal calendar yesterday morning and got through a large amount of business.

A large number of arraignments were made under indictments found by the grand jury. The most important of these was Charles Thiede, charged with the murder of his wife at Murray on April 30 last. Judge Barlow, for the defense, desired to waive the reading of the indictment. It was a case, he said, of some importance, and he would like to have time to examine the indictment before the defense could be heard. However, the clerk had begun its reading before counsel spoke, the court directed that it be finished. Judge Barlow then asked that the defendant be given till next Monday to plead; but Judge Howard said that while he did not wish to be unreasonable, it was desirable that the case be set for trial as early as possible.

The court ordered that the defendant plead on Friday morning. Thiede's appearance has undergone quite a change for the better during his incarceration in the county jail. His face has lost its haggard look which it bore at the time of his arrest. His eyes are no longer bloodshot, his hair is now well trimmed, and he came into court wearing a dark and apparently new suit of clothes and linen of spotless white. The transformation was so great, as compared with his general appearance when brought into the city on the morning of the alleged murder, that the persons most intimately acquainted with him at first failed to recognize him.

Attorney Ritchie Arraigned. Attorney E. E. Ritchie, whose indictment on Tuesday by the grand jury for criminal libel and perjury created quite a sensation, was arraigned and pleaded not guilty. Attorney P. L. Williams appeared for the defendant. The date of the trial was not fixed.

For Burglary. Lawrence Cunningham and J. Ryan pleaded the former guilty and the latter not guilty to a charge of burglary entering the dwelling house of Ray Clarence T. Brown, on August 21, 1894. Attorney W. T. Ginter was appointed to defend, and the trial of Ryan was set for Monday, October 1. James Brooks and Harry Lawson, two young fellows about 24 years of age, indicted for burglary (two counts) were arraigned next. They were ordered to plead on Monday. The court appointed H. A. Smith to defend.

Four Months For Adultery. Thomas N. Lichty, with the alias of James Cotsworth, pleaded guilty to adultery and was sentenced to four months in the penitentiary. The defendant appeared to have borne a good character up to the time of this offense. He had been in the United States army and was honorably discharged therefrom.

Another One. Attorney W. T. Ginter, counsel for the defendant, waived the reading of the indictment in the case of Josephine Johnson, indicted for adultery. She pleaded guilty, and will be sentenced on Thursday, the 27th inst.

Samuel Grice, a notorious character, was now arraigned on a charge of grand larceny. He is accused of having stolen, on July 11, one single top buggy, valued at \$150, and one single harness, value \$40. He will plead on September 27.

Attorney J. Rogers was appointed to defend. Carter, the Alleged Bullion Thief. Charles Carter was arraigned and pleaded not guilty to two indictments. The first charged him with having stolen, on August 27, a bar of gold bullion, valued at \$1,700. The second of the same Springs Consolidated Gold Mining company, the second with having, on May 7, unlawfully appropriated to his own use said bar of gold bullion. "The same thing under two charges," said the defendant as the indictments were read to him by the clerk. Judge Powers will defend the accused.

Up to this time the defendant has been confined in the city jail. Upon motion of the assistant district attorney, the court now made an order for his transference to the county jail.

Minor Cases. S. W. Ross pleaded guilty to a charge of housebreaking at Tooele on July 23 and was ordered to appear for sentence this morning. The name of John Regan, an ex-member of the fire department, now in the employ of the Union Pacific railway, on bail, was called but he did not appear. On request of his attorney, Judge Powers, the date of arraignment was set for October 1. The charge against him is adultery.

An application was presented by Assistant District Attorney Richards from the board of managers of the reform school at Ogden, asking that a boy named Earl Stephens, an inmate of the institution, be removed and transferred to the Utah penitentiary. The court directed that the United States marshal bring young Stephens into court at 10 o'clock this morning.

Hazy Lawson was arraigned and pleaded not guilty to two indictments charging him with housebreaking at the residence of Henry D. Naibitt and also at the residence of E. C. Roanion. James Brooks, charged with being concerned with Lawson, pleaded not guilty.

Lawson is the young man who recently attempted to commit suicide in the county jail by cutting himself in the arm with a broken medicine bottle. He will be sentenced tomorrow morning.

Willard Tried For Housebreaking. Frank Willard alias H. Smith, was put on his trial for housebreaking. He pleaded not guilty and a jury trial was ordered. It was alleged that he forcibly entered the room of George F. O'Reilly in the Culver block on July 4.

Willard's defense was that he was drunk and entered the room by mistake.

The case went to the jury about 3 o'clock and at 4:30 sent word that they could not agree. But Judge Barlow sent them back to try farther.

At 10 o'clock the jury announced they had agreed and after filing into court, handed the verdict to the clerk, who read, "we the jury, find the defendant guilty as charged." His honor ordered the prisoner to be brought up for sentence this morning.

J. G. Wallace Found Guilty. J. G. Wallace, charged with attempt-

ing to pass a fictitious check signed by himself with the fictitious name of Robert Mackintosh, was tried before Judge Barlow and a jury. The defendant attempted to pass the check at Fryer's saloon. The defendant pleaded not guilty and a jury was impaneled, the hearing was proceeded with. At 5:30 o'clock it was given to the jury who, after a short consultation, returned a verdict of guilty.

Four Months For Fornication. Frank Richards, the colored pugilist, who was found guilty of fornication on Tuesday, was yesterday brought in for sentence and his honor gave him four months in the penitentiary.

The jury in the case of Emma Thomas, the co-defendant of Richards, brought in a verdict of guilty and she also was sentenced to four months imprisonment in the penitentiary.

Will Be Arraigned Tomorrow. The following parties will be arraigned tomorrow on the charges set opposite their names: Joe E. E. Ritchie, forgery. Jerome Smith, burglary. Ching Wong, passing counterfeit coin. "John Doe," housebreaking. J. H. Harvey, forgery. Dan Quinn, assault with intent to do bodily harm.

Charles's Aunt or College Chums? The hearing on the injunction and order to show cause in the case of Charles Frohman vs. T. F. O'Malley, lessee of the Lyceum theatre, which was set down for hearing yesterday before Judge Justice Merritt, was again postponed until September 23, when it will come up on peremptory call. The postponement was granted at the request of the plaintiff's attorneys who were not yet ready to go to trial because of the non-arrival of an affidavit from Brandon Thomas, of London, England. The litigation arises out of the production by the defendant of a letter from Brandon Thomas, which the plaintiff alleges is nothing but the play "Charles's Aunt" under another name, of which he owns the sole right of representation in America.

Short Orders By Judge Merritt. William Anderson vs. The Salt Lake Building and Loan association; demurrer sustained. Fred T. McGurra vs. James B. Plaster; motion to strike out answer and judgment heretofore argued. Court orders striking out all but the last part of answer which makes straight defense and sustains demurrer in part; motion for judgment overruled.

Deseret Savings Bank vs. Margaret T. Mitchell; judgment as prayed. W. S. East vs. Midland Coffee and Spice company; leave granted to amend the complaint.

Ellen Everill vs. John Webster; ten days additional time allowed to decide whether to make payment of damages. Board of Education vs. The Salt Lake Pressed Brick company; Walter Murphy announced as associate counsel for the defendant.

York Mining company vs. Andrew Peterson; demurrer overruled and fifteen days to answer. Mary Davis vs. Sadie M. Free; dismissed.

New Suits Entered. The Pacific Investment company is suing Samuel S. Greenbecker in the third district court to recover possession of certain premises described as lot 12, block 11, five acre plat A, Duesel case, on the 10th of October. The suit is for \$100 damages.

The Bank of Commerce is suing John W. Taylor et al. to collect \$7,573.30 on a promissory note. The court appointed H. A. Smith to defend.

Lewis-Zukowski Mercantile company has entered suit against Eugene N. Botsford et al. to recover \$767.48 for goods sold and delivered.

L. O. B. Tennis & Co. are also suing the same defendants to collect \$563.79 for goods sold and delivered.

The Z. C. M. L. has begun attachment suit against the People's Co-op. Institute to recover \$1,570.18 on promissory notes.

Yesterday's Naturalizations. The following is the list of yesterday's naturalizations: James Callow, Charles Cottrell, Eljah Davis, H. R. Elton, Edward J. E. Lloyd, S. J. Knapp and Ellen Ayerson, natives of England; Pietro Paletto and Giuseppe Guidotti, of Italy; Iver Eekensen, Nils Johnson, Andrew Monson, H. M. Lund, J. T. Rhode and J. H. Beck, of Denmark; Otto Svenson, of Sweden; John A. Magnus, Patrick O'Donnell, James Hodgins and Thomas N. Kneary, of Ireland; Adam Krouth and C. W. Bischoff, of Germany; John Jones, John Allen, Jr., Thomas Allen, Thomas Thomas, Jr., H. Lund, J. T. Rhode and J. H. Beck, of Switzerland and John Carruth, of Scotland.

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HIS FATE IN THE BALANCE

The Davis Case Goes to the Jury.

THE DEFENDANT'S STORY.

NOT SHAKEN IN THE LEAST BY CROSS-EXAMINATION.

Mrs. Davis Also Testifies—Some Depositions Read—Frank Grant's Reputation—The Case Submitted on the Court's Charge Last Evening—Great Interest Taken in the Case.

Provo, Sept. 26.—At the close of my letter last evening, the prosecution in the Davis case were cross-examining the defendant.

On redirect, the defendant testified: When I got home there were four bullet holes in my coat. I saw the hole. Yes, it was a bullet hole, or looked like one. I had some trouble with Muler about two weeks before. I had lost some collars and went to the house and there I found them under the bed. I also found two quarters of beef hanging up in the house, and found a hide with my brand on it. I told Muler to tell Brock I wanted this stopped. I told him I wanted them to kill some one's cattle that could stand it; I could not. I never spoke to Brock about the beef, but did speak to him about the horse collars. I got the horse collars the same day I saw the beef. It was about two weeks before the killing. The spring before I caught Mr. Brock with one of my yearlings, and told him I wanted him to stop. He said, "That's all right, I will."

The defense here offered the evidence of Dr. H. R. Bull, as given at the former trial, which was as follows: I live at Grand Junction. I went to Westwater and found two men dead and one mortally wounded. The latter's name was Muler. He was lying on the floor of the cabin. The man was unconscious. I afterwards received a telegram telling me the man was dead. Brock's place is in Utah. Duesel's face and also, Muler's was powder marked. I should think the gun was about four to six feet away from the faces when fired. I think the wounds were made by a ball from a 45-calibre gun or pistol. I don't know which would make the most powder marks, a rifle or a pistol. I think they would be the same under the same circumstances. The powder marks are caused by partially consumed powder grains. I did not make a minute examination. I examined the bullet holes in the house where the point of exit. I suppose the ball entered just opposite, probably near the heart.

The defense then read from H. H. Jacobs' testimony, as given at the former trial. It read: Those four shots I heard first were in very quick succession. A little while after that I heard two more. They were in the direction that Brock's body was found. I saw Mrs. Davis, the wife of the defendant, was then sworn and testified: I live in Westwater with my husband; was there at the time of the homicide. Duesel came to our house when there was no one in the house but myself and asked for Mr. Davis' gun. He wanted to take it out. He got it out of the stand. He was gone a while and brought the pistol back and said, "I fixed it." I said I did not know it was out of order. He said, "Well, I fixed it." I had a conversation with Mr. H. H. Jacobs, and told him I was worried about the affair. Mr. Jacobs told me: "You need not be worried. It was a justifiable homicide. We have exonerated Mr. Davis, and I believe Mr. Davis was justified in killing them."

The cross-examination by the prosecution elicited nothing new. S. R. Thurman, Captain Davis' former attorney, and one assistant prosecuting attorney, were called and sworn. He testified: I went to Westwater in the interest of the defendant. From the railroad a person could see from six to nine inches of the north end of the cabin.

Mr. Thurman went on to describe the surroundings and Brock's cabin. Most of his testimony had been gone over by other witnesses.

Court was adjourned until this morning at 9 a. m., and on court convening, the defendant's attorneys introduced a part of the former evidence as evidence before this jury. Captain Davis was called and testified: I was there at the time of the homicide. I was with Brock, Duesel and Muler conversed between themselves in German. He understood German a little.

C. H. Hallist was called and testified: I was in Westwater the 18th of August, 1892. I heard a conversation between Brock, Muler and Duesel. I heard one of them say he would not milk cows and calves for a while. The other also heard Duesel say if he got a chance he would kill Davis. I heard Brock say when he got Davis up to his (Brock's) cabin he would kill him with a club. I have never seen any of these men before. I had dinner at Mr. Davis' place. The men were there.

On cross-examination nothing new was elicited.

Mr. Davis was again recalled and questioned as to where F. Fisher, who testified at the former trial, is at the present time.

Mr. Frank Fisher's deposition was then read and offered in evidence. It was as follows: I knew Brock and Duesel. I was at Westwater on Monday before the homicide. I saw three guns at Brock's cabin. I was a member of the coroner's jury that held the inquest on the bodies.

W. J. Davis was next sworn and said: I am related to the defendant. Our witness are sisters. I heard Jacobus testify at the former trial. It is a 45 calibre. This is the gun offered in evidence at the former trial. I was a member of the prosecution and objection sustained.

R. B. Thurman was sworn and said: I am deputy clerk of this court. I recognize the gun here as the one put in evidence at the former trial. It is a 45 calibre. This is the gun offered in evidence at the former trial. I was a member of the prosecution and objection sustained.

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his finger into the barrel of the gun. The finger would go in about one-fifth of the nail. The gun was given to the jury.

Hallet was recalled by the prosecution and asked if he knew Frank Grant. The witness replied that he did, but was not allowed to testify as to Grant's reputation.

Chapman, recalled by prosecution and testified: I know Frank Grant; his character is bad; I don't belong to the Brock gang. (This was the witness who were Brock's boots at the former trial, and could not make a clear explanation as to how he came by them.) Wells was also called and said Grant's general reputation was bad.

H. H. Jacobs, recalled and testified to the same effect. This completed the evidence on both sides. The trial has been a very sensational one so far, and the court room has been crowded by people who were in attendance to hear the evidence. A number of attorneys have also followed the case. Mr. Davis' attorneys, Arthur Brown and George Sutherland, are doing yeoman service for the defendant, and there will not be any points omitted by them, which will assist their case.

Captain Davis expresses himself as not feeling at all uneasy as to the result. He has made a great many friends in and around Provo, and a verdict is looked for which will forever end the case. Captain Davis does not impress one as a disagreeable or quarrelsome man. On the contrary, he is a very gentlemanly appearing fellow, and will make friends wherever he goes. The only eye witness to the shooting except Davis was Frank Grant. His testimony as given at the former trial is entirely in Davis' favor. However, the verdict goes, the spectators will have an opinion. It will be seen that all the witnesses who testified as to Grant's character, had had some trouble with Grant.

Judge Judd opened for the people and took up about thirty minutes' time, when court adjourned until 2 p. m. On resuming the opening of George Sutherland made the opening argument for the defense, and Mr. Brown closed. The pleas were eloquent ones and very conclusive. The case went to the jury at 7:30 p. m.

COURT NOTES.

A young man by the name of Pendleton, living at Payson, was brought into court on a charge of burglary to which he had entered a plea of not guilty. He now wished to change that to one of guilty of petit larceny. His attorney, Mr. Whitcomb, made a statement in his behalf and said the boy who was but 16 years old, was very penitent. The judge gave the defendant a kind lecture and sentenced him to twenty days in the county jail.

New cases were filed today as follows: Rodney Swasey vs. F. W. C. Hathenbrook; to foreclose mortgage given to secure the payment of \$1,250 and interest. Sarah J. Vincent vs. John G. Vincent; action for divorce, alimony and attorney's fees. Israel Evans vs. the Live Stock & Dairy company; the plaintiff sues to recover salary said to be due in the sum of \$320.

Sam Dudley vs. Joseph Dudley; action for divorce. The following aliens were admitted to citizenship: William Devey, Edgar Wright, Frank Forghuesen, by his attorney, Olaf Nelson and John E. Larsen, of Mr. Pleasant, Nephil Howe, Henry Siemsen, Thomas C. Williamson, Charles Gundersen, Peter Jensen, of Pleasant Grove, Abraham Conneston, Daniel Cummings, of Payson.

POLITICAL.

Colonel A. D. Gash held an enthusiastic meeting at Spring Lake last evening. Mr. Gash in his masterly speech turned the subject of burglary to which he had referred in his speech of last night. He showed wherein the Republicans had passed laws detrimental to the masses and in favor of the few. He proved beyond controversy that the present hard times as well as those of 1873 were the result of Republican misrule.

He also dwelt upon the attitude of the two parties on the silver question, and proved to the satisfaction of his audience that the Republican party was antagonistic to silver, or a large majority were. On the other hand, the Democrats were determined to give silver its rightful place as a money, at a ratio of 1 to 16 with gold.

The Democratic cause at Spring Lake was gloriously strengthened by Mr. Gash's visit. Our cause is just and will prevail. Democracy is on the ascendancy here and the Republic know it.

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Haverly's Minstrels Last Night. "Do you ever see an Italian sunset?" "No, but I've seen a dagger!" That was one of the songs last night at Haverly's minstrel performance. There was a good, but not great, house, and that was fitting, for the "greatest minstrel company in the wide, wide world" is just about that way—good, not great. The singing part, however, was excellent. Will Hoberk, tenor, Harry Armstrong, baritone, and some of the others were as good as any that have ever been here. Davis was called in the "Haverly quartette" they furnish very pleasing melody. In point of humor, and that is one of the strong points of the Haverly quartette, they have been far outstripped by many another minstrel companies in the past.

Head of the Haverly quartette, Emerson—where are the men in this company to fill their shoes? To fulfill Haverly's claim that he has the "greatest quartette" in the world, he has to fill up some vacancies and make good what he has lost in the present company. Take the three little acrobatic dancers, for instance, "Montgomery, Bulfinch and Little Jim"—they are second rate and would not be considered anywhere. But this would not apply to Constantine and Lyons, the character change artists, and the two dancers, whose burlesque-ballet dancing was splendid. The programme, last evening, was not carried out as planned. Mr. Haverly was not in evidence, except by an apology, made by the interlocutor that he had been taken suddenly ill with a mysterious malady resembling vertigo, which prevented his appearing. How much better the performance would have been if he had been able to arise, we cannot say, but probably it would have been improved. The company has its suggestion tonight with a considerable change of programme.

Real Estate Transfers. Salt Lake City corporation to Alb. W. Smith, lot 21, block 1, Ehrlich's subdivision. \$1,000. Andrew F. Anderson to Edward W. Anderson, part of lot 1, block 151, plat A. \$1,000. De Roche, part of section 1, township 2 south, range 1 west. \$250. Edward W. Anderson to John W. Fawcett, part of section 21, township 3 south, range 1 east. \$725. John W. Fawcett to Edward W. Anderson, part of lot 1, block 151, plat D. \$1,000. Charles E. Stevens to Liza D. Gould, part of lot 1, block 151, plat D. \$1,000. United States of America to Scipio P. McKee, part of section 1, township 2 south, range 2 west. \$3,000.

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